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providing that each county, city, town, if a separate school district, and school district, may raise money by taxation to be expended by the local school authorities for such schools as in their judgment the public welfare requires, does not prohibit the General Assembly from conferring on the state board of education power to select school furniture for all public schools in the state.

[Ed. Note.—For other cases, see *Schools and School Districts*, Dec. Dig. § 75.* 12 Va.-W. Va. Enc. Dig. 86, 87.]

2. Constitutional Law (§ 48*)—Statutes—Constitutionality—Determination.—Courts can only declare an act of the General Assembly unconstitutional when it so clearly violates the Constitution as to leave no doubt in the mind of the court.

[Ed. Note.—For other cases, see *Constitutional Law*, Cent. Dig. § 46; Dec. Dig. § 48.* 3 Va.-W. Va. Enc. Dig. 163, 164.]

3. Schools and School Districts (§ 75*)—School Furnishings—Selection—Statutes—Construction—"Select"—"Provide."—Act March 15, 1906, p. 432, c. 248 (Code 1904, § 1433), defining the powers and duties of the state board of education, was amended so as to declare that such board should "select" text-books, school furniture, and educational appliances for the public schools of the state, etc. Two days after, at the same session, Code 1904, § 1538, was amended by Acts 1906. pp. 513, 515, c. 293, and re-enacted, subsection 10 of which declared that the school board of a city should have power, and that it should be its duty, to "provide" schoolhouses with proper furniture and appliances, and to care for and manage and control the school property of the city. Held, that such acts were in *pari materia*, and should be construed together, and that under them a city school board had only power to provide such school furniture for the public schools of the city as had been selected by the state board of education; the words "select" and "provide" in such provisions not being synonymous, the word "provide" being used in the sense of "to furnish or supply," while the word "select" means "chosen" or "picked out."

[Ed. Note.—For other cases, see *Schools and School Districts*, Dec. Dig. § 75.* 12 Va.-W. Va. Enc. Dig. 86, 87.

For other definitions, see *Words and Phrases*, vol. 6. pp. 5747, 5748; vol. 7, p. 6401; vol. 8, p. 7797.]

Judgment reversed. Keith, P., absent.

COMMONWEALTH *v.* MANCHESTER & RICHMOND FREE
BRIDGE CO. et al.

March 17, 1909.

[63 S. E. 1083.]

Corporations (§ 38*)—Nature.—The Manchester & Richmond Free

*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.

Bridge Company is neither a municipal corporation nor a public institution owned or controlled by the state, which under the express terms of Const. 1902, art. 12 (Code 1904, p. ccxlix), are excluded from the term "corporation," as used in such article; and the general assembly was powerless to pass Act March 5, 1908 (Laws 1908, p. 184, c. 144), being an act amending sections 3, 4, 5, and 9 of Act April 1902, an act incorporating such company and granting certain powers to it and to the Richmond and Manchester city councils for public purposes.

[Ed. Note.—For other cases, see Corporations, Dec. Dig. § 38.* 3 Va.-W. Va. Enc. Dig. 535.]

For other definitions, see Words and Phrases, vol. 2, pp. 1608-1621; vol. 8, pp. 7619, 7620.]

Judgment reversed. All the judges concur.

JUSTIS *v.* GEORGIA INDUSTRIAL REALTY CO.

March 11, 1909.

[63 S. E. 1084.]

1. Eminent Domain (§ 177*)—Condemnation Proceedings—Parties—Inchoate Interest of Wife.—A wife's inchoate right of dower does not make her a necessary party to proceedings to condemn her husband's land.

[Ed. Note.—For other cases, see Eminent Domain, Cent. Dig. § 478; Dec. Dig. § 177.* 4 Va.-W. Va. Enc. Dig. 787.]

2. Judgment (§ 511*)—Collateral Attack—Fraud.—While a judgment can only be corrected by writ of error or other direct proceeding, it may be attacked collaterally for extrinsic fraud practiced on the court which rendered it.

[Ed. Note.—For other cases, see Judgment, Cent. Dig. § 954; Dec. Dig. § 511.* 6 Va.-W. Va. Enc. Dig. 283; 8 Id. 560, 561.]

3. Judgment (§ 511*)—Collateral Attack—Fraudulent Condemnation—Vacation—Rights of Widow.—A private corporation, being unsuccessful in its attempts to purchase certain land from plaintiff's husband in his lifetime, induced a city to condemn the land as necessary for the improvement of a harbor, and when condemned to convey it to the corporation in exchange for certain other property and the payment of a difference in money. A judgment of condemnation was obtained by the city concealing from the court its arrangement with the corporation, after which such arrangement was consummated. Held, that the condemnation decree was void for fraud,

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, and Reporter Indexes.